

Message Text

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ACTION EUR-12

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INFO AMEMBASSY ANKARA
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AMEMBASSY BRUSSELS
AMEMBASSY COPENHAGEN
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AMEMBASSY LUXEMBOURG
AMEMBASSY PARIS
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USMISSION NATO BRUSSELS
USMISSION EC BRUSSELS
AMCONSUL STRASBOURG

C O N F I D E N T I A L SECTION 1 OF 3 DUBLIN 0059

E.O. 11652: GDS
TAGS: SHUM CY TU EI
SUBJECT: COUNCIL OF EUROPE ON TURKISH VIOLATIONS OF HUMAN
RIGHTS IN CYPRUS

REF: (A) STATE 2866, (B) 76 THE HAGUE 6935 (NOTAL)

1. SUMMARY: THE IRISH INFORMED US THAT THE COMMITTEE
OF MINISTERS OF THE EUROPEAN COUNCIL WILL PROBABLY
HAVE THE REPORT ON TURKISH VIOLATIONS OF HUMAN RIGHTS
ON ITS AGENDA IN FEBRUARY, BUT THE PROCESS OF DECIDING
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WHAT TO DO COULD TAKE SOME TIME. THE REPORT, PREPARED
BY THE COMMISSION ON HUMAN RIGHTS, IS QUITE "DAMNING"
AND COVERS AN ARBITRARY PERIOD FROM THE TIME OF THE
INVASION UNTIL LATE 1975. QUIET TALKS WITH THE TURKS
SEEM TO INDICATE THEY WILL FIGHT HARD TO REBUT THE REPORT.
THE IRISH FIND THEIR OWN POSITION AWKWARD IN THIS AFFAIR
AND WOULD WELCOME SUGGESTIONS FROM THE USG. END SUMMARY.

2. IN RESPONSE TO REFTEL A WE HAD A DISCUSSION OF CYPRUS AND THE COUNCIL OF EUROPE WITH MFA COUNSELOR PADDY MACKERNAN AND FIRST SECRETARY MARY GARVEY. MACKERNAN IS THE SENIOR COUNSELOR IN THE POLITICAL DIVISION WHO DEALS WITH CYPRUS INTER ALIA. WE HAD GIVEN MACKERNAN SOME TIME TO PREPARE FOR THIS DISCUSSION, SINCE CYPRUS IS A RATHER PERIPHERAL INTEREST HERE. HE MADE IT PLAIN THAT THE FOLLOWING REPRESENTED THE THINKING OF FOREIGN MINISTER FITZGERALD.

3. MACKERNAN SKETCHED THE BACKGROUND OF THE COUNCIL OF EUROPE CYPRUS HUMAN RIGHTS INVOLVMENT. THE CYPRUS GOVERNMENT HAD MADE A FORMAL COMPLAINT TO THE EUROPEAN COMMISSION ON HUMAN RIGHTS SOMETIME AGO, AND THE COMMISSION HAD THEN CONDUCTED A "VERY THOROUGH" INVESTIGATION. ITS LENGTHY REPORT WAS COMPLETED IN NOVEMBER, 1976, AND ACCORDING TO MACKERNAN IT IS "VERY DAMNING" AGAINST THE TURKS. THE TIME SCALE OF THE REPORT IS FROM THE 1974 INVASION UNTIL "LATE 1975", AN ARBITRARY CUT-OFF POINT DECIDED BY THE COMMISSION. THE ALLEGATIONS, WITH "OVER ABUNDANT EVIDENCE" INCLUDE MURDER, RAPE, ROBBERY, TORTURE, BUT MOST ESPECIALLY "BRUTAL DISPLACEMENT OF PEOPLE FROM HOMES AND PROPERTY." MACKERNAN SAID THAT THE REPORT MAINLY STRESSES THE LATTER POINT, SINCE THIS IS THE CRUX OF THE POLITICAL ISSUE AND SUCH "VIOLATIONS" HAVE NO CUT-OFF POINT UNTIL THE HOMES AND PROPERTY ARE RESTORED. INCIDENTALLY, MACKERNAN EMPHASIZED THAT IT WAS NOT A "COMMITTEE OF CONFIDENTIAL

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EXPERTS" (REFTELS A AND B) WHICH PREPARED THE REPORT BUT THE REGULAR STAFF OF THE COMMISSION ON HUMAN RIGHTS, WHICH HAS NOW GIVEN ITS IMPRIMATUR TO THE REPORT.

4. THE TURKS HAVE BEEN WATCHING THE PROGRESS OF THIS "BOMBSHELL" BALEFULLY AS IT MADE ITS WAY THROUGH THE STRASBOURG BUREAUCRACY. THEY HAVE PUBLICLY ASSERTED THAT THE GOC HAS NO RIGHT TO MAKE A COMPLAINT TO THE COMMISSION SINCE THE GOC ITSELF HAS NO "LOCUS STANDI", AND THUS THE COMPLAINT ITSELF HAS NO LEGAL VALIDITY. BUT THE COMPLAINT HAS MADE ITS WAY THROUGH THE BUREAUCRACY AND IS NOW AT THE POINT OF CONSIDERATION BY THE COMMITTEE OF MINISTERS OF THE COUNCIL (I.E. THE PERMREPS IN STRASBOURG). AS POINTED OUT BY REFTEL B, SINCE NEITHER TURKEY NOR CYPRUS RECOGNIZES THE VALIDITY OF

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C O N F I D E N T I A L SECTION 2 OF 3 DUBLIN 0059

THE EUROPEAN COURT OF HUMAN RIGHTS THE ALTERNATIVE
MECHANISM APPLIES AND THE DECISION ON ACTION VIS-A-VIS
THE COMMISSION'S REPORT NOW MUST BE TAKEN BY THE
COUNCIL ITSELF. PRACTICALLY SPEAKING THIS MEANS THE
COMMITTEE OF MINISTERS, WHO WILL BE CLOSELY INSTRUCTED
BY THEIR VARIOUS GOVERNMENTS. MACKERNAN THEN POINTED
OUT, WITH A SIGH, "THEN BEGINS THE IRISH ROLE, THOUGH
GOD KNOWS WE DID NOT PARTICULARLY WANT IT."

5. THE IRISH ROLE -- AT AN EPC MEETING OF THE
MEDITERRANEAN GROUP AT THE HAGUE ON DECEMBER 14 THE IRISH,
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AS UPCOMING PRESIDENT OF THE COUNCIL OF EUROPE, WERE
CHARGED WITH SOUNDING OUT THE TURKS ON THEIR REACTION
TO THE HUMAN RIGHTS VIOLATION MOVE. THE COMBINED

WISDOM OF THE GROUP COULD SEE ONLY TWO POSSIBLE TURKISH REACTIONS: A) STOLID MAINTENANCE OF THE LEGAL POSITION THAT THE GOC HAD NO STANDING; B) WITHOUT GIVING AWAY THE LEGAL CLAIM OF INVALIDITY TO FIGHT THE CHARGE WITH ALL ITS RESOURCES, I.E., REBUTTAL WITNESSES AND VARIOUS "LEGAL" MANEUVERS, ACCEPTING THAT IT WOULD BE ON THE "AGENDA" OF THE COUNCIL IN ANY EVENT. IRELAND'S PERMREP AT STRASBOURG, DR. SEAN O HEIDEAIN, THEN HAD DISCREET TALKS WITH THE TURKS IN STRASBOURG WICH "FAIRLY CONCLUSIVELY", ACCORDING TO MACKERNAN, INDICATED THAT THEY WOULD FOLLOW OPTION B). HOWEVER, MACKERNAN READ O HEIDEAIN'S ENTIRE REPORTING TELEGRAM, AND WE REMARKED THAT IT SEEMED THAT THE TURKS' INTENTIONS WERE STILL AMBIGUOUS. AFTER REFLECTION MACKERNAN AGREED AND SAID THAT HE WOULD INSTRUCT O HEIDEAIN TO HAVE ANOTHER GO AT THE TURKS IN STRASBOURG, REMARKING THAT THERE WAS NO OTHER VENUE AT THE MOMENT FOR IRISH-TURKISH TALKS ON THIS OR ANY OTHER SUBJECT.

6. WE THEN QUERIED ON THE TIME FRAME OF THIS ISSUE. MACKERNAN AND MS. GARVEY AGREED THAT THIS COULD BE FLEXIBLE. AS IT STANDS, HE SAID, UNDER "PRESSURE" FROM CERTAIN OTHER STATES (HE HINTED BUT DID NOT SAY THE DUTCH AND FRENCH) THE MOST PROBABLY TIME THAT THE ISSUE WILL SURFACE WILL BE IN THE FEBRUARY "COMMITTEE OF MINISTERS" MEETINGS, FOLLOWED BY FINAL DECISION AT THE APRIL MINISTERS MEETING OF THE COUNCIL OF EUROPE. HOWEVER, IF THE TURKS DECIDE ON OPTION B), THERE COULD BE CONSIDERABLE DELAY. BUT HE FELT THAT THE GENERAL CONSENSUS OF THE EC-9 WAS TO GET IT OVER WITH AS SOON AS POSSIBLE, THOUGH THE POLITICS WERE SO COMPLES AND "DELICATE" THAT EVEN THE GREEKS AND THE GOC MUGHT OPT FOR A DELAY. HE SAID, WITHOUT DOCUMENTING HIS SOURCE, CONFIDENTIAL

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THAT THERE WERE INDICATIONS THAT THE GREEKS AND THE GOC MUGHT WANT TO DELAY A CONFRONTATION ON THIS ISSUE AS A "CLUB" TO GAIN LEVERAGE WITH THE NEW US ADMINISTRATION.

7. MACKERNAN THEN WENT INTO A LONG AND TORTUOUS EXPOSITION OF THE GOI POSITION IN THIS ISSUE, EXPLICITLY TRYING TO INTERPRET FOREIGN MINISTER FITZGERALD'S IDEAS. HE SAID THAT THE SITUATION WAS COMPLICATED BY BEING A NATO AFFAIR, AND IRELAND IS NOT A MEMBER. IT IS ALSO COMPLICATED BECAUSE IRELAND HAS BEEN OUTSPOKEN, ABOVE ALL EUROPEAN STATES, ON HUMAN RIGHTS, AND IT WOULD BE "AWKWARD" TO BE EVASIVE OR TAKE A DELAYING STANCE. IT IS ALSO AWKWARD BECAUSE GREECE AND TURKEY

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C O N F I D E N T I A L SECTION 3 OF 3 DUBLIN 0059

ARE "ASSOCIATED" WITH THE EC. ABOVE ALL, HE SAID,
IRELAND RECOGNIZES THE CRUCIAL ROLE OF THE EC, THE USG
AND THE UNSYG IN THE DELICATE AND COMPLICATED AFFAIR OF
CYPRUS. FINALLY, HE QUERIED IF THERE COULD BE SOME
POSSIBILITY OF A "SIGNAL" FROM THE NEW ADMINISTRATION AS
TO HOW WE WOULD LIKE THE IRISH PRESIDENCY OF THE COUNCIL
TO PLAY THIS AFFAIR. DELAY IS POSSIBLE, IF WARRANTED.
HE THEN SPECULATED ABOUT WHAT WOULD HAPPEN IF THE
COUNCIL OF EUROPE CONDEMNS TURKEY FOR VIOLATIONS OF
HUMAN RIGHTS AND DEMANDS REMEDIAL ACTION ON THE PART
OF THE TURKS. "WHERE ARE THE DIVISIONS WHICH WOULD
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ENFORCE?" AS A LAST COMMENT, HE SAID THAT THE IRISH WOULD BE MOST WILLING TO GET THE WHOLE THING OVER ON A "LOW KEY" BASIS IF THE OTHER EUROPEAN STATES WOULD COOPERATE, AND IF THEY COULD FIGURE OUT HOW IT COULD BE DONE.

8. COMMENT AND REQUEST FOR GUIDANCE: THE IRISH ARE CLEARLY SOUNDING THE PLAIN OF THE ERSTWHILE POPULAR SONG ABOUT THE SOLDIER WITH CUSTER: "WHAT AM I DOIN' HERE?" THEIR MORAL IMPERATIVE IS TO DAMNTYHE TORPEDOES AND HANG THE TURKS FOR THEIR VERY OBVIOUS AND WELL-DOCUMENTED VIOLATIONS OF HUMAN RIGHTS. BUT FITZGERALD IS CONSIDERABLE STATESMAN AND SEES THE COMPLEXITY, PARTICULARLY THE PROBLEM OF USG DIRECTIONS AT THIS TIME. WE ARE NOT SURE HOW CRUCIAL OR INFLUENTIAL THE ROLE OF THE IRISH PRESIDENCY CAN BE IN THIS AFFAIR, AND WE ARE NOT SUFFICIENTLY FAMILIAR WITH THE PRESSURES FROM OTHER EC STATES, BUT IN THIS PARTICULAR ISSUE AND IN THIS PARTICULAR FORUM THE IRISH ARE ASKING FOR AT LEAST AN INDICATION OF USG THINKING ON HOW IT SHOULDE BE DONE. THEY ARE CONCERNED ABOUT THE EFFECT OF THIS POSSIBLE CRUNCH ISSUE ON THE WHOLE ROLE AND RATIONALE OF THE COUNCIL OF EUROPE. AND THEY ARE EQUALLY CONCERNED ABOUT KEEPING THE FLAG UP FOR HUMAN RIGHTS -- A PARTICULAR PASSION OF THE IRISH FOREIGN MINISTER. CURLEY

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